

In re Patent Application of:

**PALM ET AL.**

Serial No. **09/117/219**

Filed: **January 13, 1999**

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**REMARKS**

The Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-10, drawn to a graphical user interface window, classified in class 345, subclass 661.
- II. Claims 11-12, drawn to network/server and browser application used in image file retrieval, classified in class 707, subclass 103X or class 709, subclasses 217-219.
- III. Claims 13-15, 17, 19-20 and 22, drawn to texture memory or file allocation, classified in class 345, subclass 543 and/or 555 and class/subclass 707/205.
- IV. Claims 16, 18 and 21, drawn to storing of animation information, classified in class 345, subclass 473.

Applicants respectfully elect the claims of group 1, namely, claims 1-10 for prosecution on the merits. Applicants withdraw the traverse of the restriction requirement and will, instead, file one or more divisional applications on the non elected inventions. Accordingly, claims 11-22 have been cancelled without prejudice to being pursued in one or more divisional applications.

Claim 1 has been cancelled and claims 2, 3 and 5 have been made independent. Applicants thank the Examiner for the indication of the allowance of claims 5 and 6, subject to

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being redrawn in independent form. Claim 5 has now been redrawn in independent form and therefore claims 4-10 should now be allowable.

The Examiner rejected claims 1, 2, 4 and 7-10 under 35 U.S.C. § 102 as anticipated by Teigh et al. As noted above claim 1 has been cancelled.

Claim 2 requires "one or more controls for controlling positioning of the neutral plane of a stereo image."

Claim 3 requires "one or more controls for adjusting camera offset between points acting as cameras for providing left and right image views of a wireframe."

Neither of these features is found in the Teigh et al. reference. The Examiner says that the claim limitation "is equivalently met by the depiction at Figure 9A and column 11 lines 15-53." The appropriate legal test for a rejection is not "equivalence" but rather "obviousness." There is no teaching or suggestion in the Teigh et al. reference that would support a holding of anticipation or obviousness. Teigh et al. do not teach or suggest the use of a neutral plane adjustment. Accordingly, Teigh et al. does not anticipate or render obvious claim 2.

With respect to claim 3, the Examiner did not point to any teaching or suggestion in Teigh et al. for including

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"controls for adjusting camera offset as required by the claim language."

Accordingly, claims 2-10 distinguish patentably over Teigh et al.

The Examiner rejected claims 1, 2, 4 and 7-10 under 35 U.S.C. § 102 as anticipated by Russell et al. The Examiner discusses only claim 1, which has been cancelled. The Examiner has not made a showing of anticipation or obviousness of claims 2-10 either as originally filed or as amended.

Accordingly, claims 2-10 distinguish patentably over the Russell et al. reference.

The Examiner rejected claim 3 under 35 U.S.C. § 103 as unpatentable over Teigh et al. in view of Palm. The Examiner acknowledges that "Teigh et al. failed to teach a control to adjust camera offset between points acting as cameras for providing left and right image views of a wireframe." However, the Examiner states that "Palm in a similar art teaches the functional equivalents for adjusting camera offset between points acting as cameras." The Examiner then refers to column 29, lines 25-53 of Palm. A detailed consideration of the quoted section of Palm reference referred to by the Examiner shows that, in fact, that section of the specification of Palm "teaches away" from the limitations of claim 3. Specifically, in column 29, at lines 50-53, Palm refers to a "fixed orientation". Thus, the two cameras are positioned a fixed distance from each other contrary to the

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requirements of the claim language that there be a control in a graphical user interface "for adjusting camera offset" (claim 3).

For the reasons given, each of the claims remaining in the application is patentable over the art applied by the Examiner. Accordingly, applicants respectfully request that the rejections be reconsidered and that the application be allowed.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



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